



## **Final Process Protocols**

### **I. Background**

In August 2015, the Executive Office of Energy and Environmental Affairs (EOEEA) issued a Certificate for the Second Supplemental Final Environmental Impact Report on the Wynn Casino in Everett, EEA #15060. The Certificate stated that although the Wynn Casino project adequately and properly complied with the Massachusetts Environmental Policy Act (G.L.c.30, ss.61-62I), there could be broader regional transportation impacts associated with other large-scale development proposals in the area near the Wynn Casino north of Boston.

In order to understand the extent of these impacts, the EOEEA Wynn Certificate required “the establishment of a Regional Working Group,” hereinafter referred to as the Lower Mystic Regional Working Group (LMRWG or “Working Group”), which “will be led by MassDOT and its purpose will be to assess and develop long-term transportation improvements that can support sustainable redevelopment and economic growth in and around Sullivan Square.” (SSFEIR Certificate, EEA #15060, August 28, 2015, p. 2).

In a further description of the Working Group, the Certificate states that it “will include significant opportunities for consultation, public review and comment...To be productive, the effort will require the active and constructive participation of stakeholders, including EOHED, MAPC, DCR and municipalities including, but not limited to, the cities of Boston, Everett, and Somerville. In addition, large employers and developers have an important role to play.” (*Ibid.* p. 4)

### **II. Scope and Study Area**

The study area is to include parts of Boston, Everett, and Somerville. The focused analysis area is roughly bound by Route 16 on the north, Medford Street and McGrath Highway in Somerville on the west, and Route 1 on the east. The boundaries are approximate, so the Working Group can include information or analysis of other nearby areas, as needed.

The LMRWG will:

- Assess existing conditions, planned improvements and reviewed and permitted development
- Identify planned development and potential build-out
- Identify critical infrastructure needs and study alternative solutions
- Consider funding resources and equitable allocation of project costs.

In order to achieve these four objectives, the Central Transportation Planning Staff (CTPS) and the Metropolitan Area Planning Council (MAPC) provide technical support to the Working Group,

including providing traffic and land use modeling of existing conditions and planned development, and possible future scenarios (including infrastructure and policy variables) in the study area.

### **III. Membership**

As appointed by the Secretary of the Massachusetts Department of Transportation, the Working Group *members* include the following:

- Two representatives each from the Cities of Everett and Somerville, Massachusetts
- Six representatives from the City of Boston, Massachusetts
- One representative each from the Massachusetts Department of Transportation and the Metropolitan Area Planning Council

The Working Group also consists of up to two representatives each from the following organizations as *participants*.

- The Massachusetts Attorney General's Office
- The Massachusetts Gaming Commission
- The Executive Office of Housing and Economic Development
- Massachusetts Port Authority (MassPort)
- The Office of Congressman Capuano
- The Wynn Casino

The following two organizations provide extensive technical advice and modeling assistance:

- The Central Transportation Planning Staff
- The Metropolitan Area Planning Council

Members and participants will clearly identify their representatives and these representatives will sit at the primary table and be the primary discussants along with the technical advisors.

If the named members or participants are unable to attend meetings, they may send a substitute to take on their role temporarily or permanently. The substitute will be clearly identified as a formal representative and will take the place of the member or participant in the proceedings.

Members and participants may bring additional staff to observe, space permitting.

### **IV. Decision Making**

The scope, membership, contracting, and components of the “no build” alternative will be at the sole discretion of the Secretary of Transportation. The Working Group's decision making will include:

- Process matters, including these process protocols, work plans, and public engagement;
- Identification and selection of up to 12 alternatives for analysis; and,
- Recommendations in the final report as outlined in the scope above, including a menu of possible or preferred mitigation measures involving infrastructure, policy, or technology with advantages, disadvantages, estimated impacts, and cost.

The Working Group will make decisions by consensus and its recommendations will be advisory, not constituting final decisions on local or state policy, regulation, or funding.

Consensus in this context is defined as unanimous concurrence of the five membership organizations (the three cities, MassDOT, and MAPC). Consent means that these organizations can at least accept the decision made while not necessarily being equally supportive of all elements of a decision, ranging from the alternatives to be modeled to each and every recommendation in the final report. Consensus will not be sought from individual representatives, but rather, from each organization as a whole.

Members should block or withhold consensus only if they have serious reservations with the proposal that is being considered for a consensus decision. If members disagree with the approach or solution proposed, they should make every effort to offer an alternative for consideration that will be satisfactory to all participants.

Named participants may participate actively in all discussions, explore and suggest options and ideas, and offer their opinions and advice. Participants will be given every opportunity to express their preferences or concerns on proposals or recommendations prior to seeking a formal consensus of the members; however, consensus on final decisions on process, alternatives, and recommendations will be sought only from the five member organizations.

On decisions in which the LMRWG does not reach consensus, members will explore the reasons for disagreement. The members will identify points upon which they agree and disagree, the reasons behind each, a description of the interests that must be satisfied to reach an agreement, and if possible, ways to address the differences in the future. The group will then determine how to move forward. If the group cannot yet reach an accommodation, then they will confirm the reason(s) for the lack of consensus and document them in the final study report.

## **V. Roles and Responsibilities of Members and Participants**

Members and participants are expected to:

- Strive to attend all meetings.
- Review and comment, as requested, on draft agendas, meeting summaries, and technical draft documents.
- Stay within the scope of the effort as outlined by the Secretary of Transportation.
- Act professionally and constructively during the process.
- Come to meetings prepared to discuss and deliberate by reviewing any pre-meeting materials and seeking internal alignment among different representatives of the same organization
- Help identify areas of agreement, disagreement, and uncertainty.

Because any recommendations are advisory, nothing in this process relinquishes, precludes, or replaces each individual agency, City, or other parties' regulatory authority, jurisdiction, decision making, or full legal rights.

## **VI. Responsibilities of MassDOT, CTPS, and MAPC**

In addition to the roles and responsibilities of MassDOT and MAPC members, these three organizations are expected to:

- Work with the facilitators to provide: agendas, background documents, and draft ideas and options to review, as appropriate.
- Review and comment, as needed, on draft agendas, meeting summaries, and technical draft documents.
- Prepare and provide presentations on relevant technical, legal, and other pertinent issues.
- Conduct modeling, technical analysis, and technical assistance via internal staff or consultants.
- Draft ideas, propositions and options to focus and support LMRWG deliberations
- Draft the final report.
- Respond to action items and other requests of the LMRWG in a clear, direct, and timely fashion.

## **VII. Role of Facilitators**

The facilitator(s) are expected to:

- Assist in formulating the agendas.
- Facilitate meetings.
- Assist the LMRWG members in complying with these process protocols.
- Identify and synthesize points of agreement and disagreement.
- Prepare meeting summaries and track action items.
- Advocate for a fair, effective, and credible process, but remain completely nonpartisan with respect to the outcome of the deliberations; and,
- Serve as a communication channel for members as needed. The facilitators may serve as a channel for such concerns as well as work with parties between meetings, as necessary, to resolve conflict. Upon request, information or views shared verbally during conversations with the facilitators will be kept confidential.

The facilitators are bound by the Society for Professionals in Dispute Resolution's Code of Ethics, which states: "The neutral must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action, and a commitment to serve all parties as opposed to a single party."

## **VIII. Communication Expectations**

The following expectations will apply to members and observers during LMRWG meetings.

- Only one person will speak at a time and no one, except the facilitator, will interrupt when another person is speaking.
- Each person will express his or her own views rather than speaking for others at the table.
- No one will make personal attacks or issue statements blaming others for specific actions or outcomes. If a personal attack is made, the facilitator may ask the members to refrain from personal attacks. If personal attacks continue, the facilitator may ask the group to take a break to "cool off," and/or ask offenders to leave the meeting.

- Members will avoid grandstanding and filibustering (extended comments and questions) in order to allow everyone a fair chance to speak and to contribute. The facilitator will ask members to hold their comments and allow time for others, as needed.
- Each representative will make every effort to stay on track with the agenda and to move the deliberations forward.
- Representatives are expected to communicate concerns, interests and ideas openly and to make the reasons for their disagreements clear.
- When speaking with others outside the LMRWG, members will be clear that they are representing their views and concerns as an individual or as an organizational representative and cannot speak for the group as a whole.
- Members will abide by these ground rules when communicating with one another on LMRWG business via phone, email, and other means during the duration of this process.
- Because this is a public process, all participants should assume that all written materials such as emails and documents are or will be publicly accessible under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10).
- Members may communicate with MAPC or CTPS directly with specific questions or in seeking information, but direction to the two supporting technical agencies for this study comes solely from the full Working Group based on the Scope of Work. MAPC and CTPS reserve the right to defer an individual request or comment back to the full group for consideration.

#### **X. Meeting Summaries, Meeting Notification, Public Comment and the Media**

*Meeting Summaries:* The facilitator will prepare draft meeting summaries of issues discussed, input offered, action items, next steps, and key issues. The meeting summary will be distributed in draft form to LMRWG members and observers for review, correction as needed, and approval. In order to encourage open, frank, and informal dialogue, meetings will not be audio or video recorded.

*Notice of Meetings:* Notice of LMRWG meetings will be made by notifying members via email. Working Group meetings are invite-only meetings.

*Media:* All media requests shall go to the designated MassDOT communications lead: Jacquelyn Goddard, email at [Jacquelyn.Goddard@dot.state.ma.us](mailto:Jacquelyn.Goddard@dot.state.ma.us).

*Project Website:* The Office of Transportation Planning will host the LMRWG's project website at <http://www.massdot.state.ma.us/planning/Main/CurrentStudies/LowerMysticRegionalWorkingGroup>

*Stakeholder and Public Outreach.* In order to conduct effective public engagement and outreach at key points during the process, the LMRWG will leverage the email list serves, social media presence, and other tools and resources of the LMRWG members and observers. In order to ensure consistent and clear messages, the LMRWG will develop jointly key messages and information to be distributed via individual members' and observers' outreach tools.